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7 **BEFORE THE**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. VN-2007-1252

12 OLGA VICKI FINNOVA
11961 Burbank Blvd., Apt. #5
Valley Village, CA 91607
13 Vocational Nurse License No. VN-228976

A C C U S A T I O N

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

- 18 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
19 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational
20 Nursing and Psychiatric Technicians (Bureau), Department of Consumer Affairs.
21 2. On or about August 16, 2007, the Bureau issued Vocational Nurse License
22 Number VN-228976 to Olga Vicki Finnova (Respondent). The Vocational Nurse License was in
23 full force and effect at all times relevant to the charges brought herein and will expire on
24 December 31, 2008, unless renewed.

25 **JURISDICTION**

- 26 3. This Accusation is brought before the Bureau under the authority of the
27 following laws. All section references are to the Business and Professions Code unless otherwise
28 indicated.

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1 and duties of a licensed vocational nurse, in which event the record of the conviction shall be
2 conclusive evidence of the conviction.”

3 9. Section 2878.5 of the Code states:

4 “In addition to other acts constituting unprofessional conduct within the meaning
5 of this chapter, it is unprofessional conduct for a person licensed under this chapter to do any of
6 the following:

7 “(a) Obtain or possess in violation of law . . . any controlled substance as defined
8 in Division 10 of the Health and Safety Code

9 . . .

10 “(c) Be convicted of a criminal offense involving possession of any narcotic or
11 dangerous drug, . . . of any of the substances described in subdivision[] (a) . . . of this section, in
12 which event the record of the conviction is conclusive evidence thereof.”

13 10. Section 11030 of the Health and Safety Code provides in pertinent part that
14 “every person who possesses (1) any controlled substance specified in subdivision . . . (c) . . . of
15 Section 11054 . . . shall be punished by imprisonment in the state prison.” Section 11032 of the
16 Health and Safety Code defines the term “narcotics” as “controlled substances classified in
17 Schedule I” as defined in section 11054 of that code. Subdivision (c)(11) of Health and Safety
18 Code section 11054 lists heroin as a Schedule I controlled substance.

19 11. Section 2878.6 of the Code states in pertinent part that “[a] plea . . . of
20 guilty . . . made to a charge substantially related to the qualifications, functions and duties of a
21 licensed vocational nurse is deemed to be a conviction within the meaning of this article. The
22 board may order the license suspended or revoked . . . when the time for appeal has elapsed, or
23 the judgment of conviction has been affirmed on appeal or when an order granting probation is
24 made suspending the imposition of sentence, irrespective of a subsequent order under the
25 provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of
26 guilty and to enter a plea of not guilty . . . or dismissing the accusation, information or
27 indictment.”

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1 12. California Code of Regulations, title 16, section 2521, states:

2 “For the purposes of . . . suspension, or revocation of a license pursuant to
3 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or
4 act shall be considered to be substantially related to the qualifications, functions or duties of a
5 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a
6 licensed vocational nurse to perform the functions authorized by his license in a manner
7 consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be
8 limited to those involving the following:

9 . . .
10 “(c) Violating or attempting to violate, directly or indirectly, . . . any provision or
11 term of Chapter 6.5, Division 2 of the Business and Professions Code [Bus. & Prof. Code, §
12 2840 et seq.].

13 . . .
14 “(f) Any crime or act involving the sale, gift, administration, or furnishing of
15 “narcotics or dangerous drugs or dangerous devices” as defined in Section 4022 of the Business
16 and Professions Code.”

17 13. Code section 4022 defines the phrase “dangerous drug” as “any drug . . .
18 unsafe for self-use in humans”

19 14. Section 125.3 of the Code provides in pertinent part that the Bureau may
20 request the administrative law judge to direct a licensee found to have committed a violation or
21 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
22 and enforcement of the case.

23
24 FIRST CAUSE FOR DISCIPLINE

25 (Conviction for Drug-Related Crime)

26 15. Respondent is subject to disciplinary action under Code section 2878.5,
27 subdivision (c) in that Respondent pled guilty to the felony crime of possession of a narcotic
28 controlled substance in violation of Health and Safety Code section 11350, subdivision (a). The

1 circumstances are as follows:

- 2 a. On or about November 19, 2007, at about 3:20 p.m., four police officers
3 patrolling the area around 7th Street and Alvarado Street in Los Angeles saw
4 Respondent and a male companion walk into a shopping center known as a
5 narcotics location and then walk away after interacting with several males
6 loitering in front of a laundry mat. When one of the officers approached
7 Respondent, she admitted to him that she had drugs. Respondent opened
8 her purse, which contained two bindles containing a dark brown substance
9 resembling heroin. Respondent was subsequently arrested.
- 10 b. On or about November 21, 2007, a felony complaint in *People v. Finnova*,
11 Los Angeles County Superior Court Case No. BA332492, was filed. The
12 complaint charged Respondent with possession of a narcotic controlled
13 substance (Health & Saf. Code, § 11350, subd. (a)).
- 14 c. On or about December 26, 2007, in *People v. Finnova*, Los Angeles
15 County Superior Court Case No. BA332492, Respondent entered a plea of
16 guilty to the crime of possession of a narcotic controlled substance, and the
17 criminal court placed her on a deferred entry of judgment for 18 months.

18 SECOND CAUSE FOR DISCIPLINE

19 (Commission of Crime Substantially Related to Licensure)

20 16. Respondent is subject to disciplinary action under Code section 2878,
21 subdivision (f); Code section 2878.5, subdivision (c); Code section 2878.6; Code sections 490
22 and 493; and California Code of Regulations, title 16, section 2521, subdivisions (c) and (f), in
23 that Respondent committed the crime of possession of a controlled substance, as set forth in
24 paragraphs 15, 15.a., 15.b. and 15.c. above and as incorporated by reference, and in that
25 Respondent was in possession of a controlled substance, heroin.

26 THIRD CAUSE FOR DISCIPLINE

27 (Illegal Possession of Controlled Substance)

28 17. Respondent is subject to disciplinary action under Code sections 2878.5,

1 subdivisions (a) and (c) in that Respondent was in possession of the narcotic controlled substance
2 of heroin, as set forth in paragraphs 15, 15.a., 15.b., 15.c. and 16 above and as incorporated by
3 reference.

4 FOURTH CAUSE FOR DISCIPLINE

5 (Unprofessional Conduct)

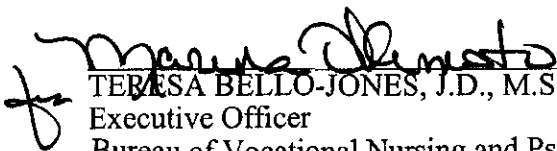
6 18. Respondent is subject to disciplinary action under Code section 2878,
7 subdivision (a) and Code section 2878.5, subdivisions (a) and (c) in that Respondent engaged in
8 unprofessional conduct, as set forth in paragraphs 15, 15.a., 15.b., 15.c. and 16 above and as
9 incorporated by reference.

10 PRAYER

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein
12 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

- 13 1. Revoking or suspending Vocational Nurse License Number VN-228976,
14 issued to Respondent;
15 2. Ordering Respondent to pay the Bureau the reasonable costs of the
16 investigation and enforcement of this case, pursuant to Code section 125.3; and
17 3. Taking such other and further action as deemed necessary and proper.

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19 DATED: July 28, 2008

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23 TERESA BELLO-JONES, J.D., M.S.N., R.N.
24 Executive Officer
25 Bureau of Vocational Nursing and Psychiatric Technicians
26 Department of Consumer Affairs
27 State of California
28 Complainant